

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD MIDDLEBROOKS)	
)	
Plaintiff,)	CAPITAL CASE
)	
v.)	No. 3:19-cv-01139
)	
LISA HELTON, in her official capacity)	
As Interim Tennessee Commissioner of)	
Correction, ¹)	
)	
TONY MAYS, in his official capacity)	
As Warden of Riverbend Maximum)	
Security Institution,)	
)	
Defendants.)	

MOTION TO SET CASE MANAGEMENT CONFERENCE

Donald Middlebrooks, plaintiff in the above-named case, by counsel, moves this Court to schedule a Case Management Conference as soon as practical for the Court. In support of his motion, Mr. Middlebrooks states the following:

1. On October 15, 2021, the United States Court of Appeals for the Sixth Circuit reversed, in part, this Court's previous order dismissing Mr. Middlebrooks complaint and remanded the case for further proceeding. *Middlebrooks v. Parker*, 15 F.4th 784 (6th Cir. 2021). Defendants filed a petition for rehearing which was denied on January 13, 2022. *Middlebrooks v. Parker*, No. 20-5419, R.29, 2022 WL

¹ Ms. Helton is substituted for Tony Parker who has resigned his position as Commissioner of Correction.

122989 (6th Cir. 2022). No motion to stay the mandate was filed. By operation of law the mandate has now issued. Fed. R. App. P. 41.

2. Having regained jurisdiction, this Court should schedule a Case Management Conference to ensure the case moves forward expeditiously and without undue delay.

WHEREFORE, the motion should be granted.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER FOR THE
MIDDLE DISTRICT OF TENNESSEE

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/s/ Kelley J. Henry
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on January 24, 2022, I filed this motion by means of the Official Court Electronic Document Filing System, CM/ECF, for the Middle District of Tennessee, which will email a copy to opposing counsel:

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